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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Mark E. Addis

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05/22/2006

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EXAMINER

HARTMANN, GARY S

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9-14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffelner (U.S. Patent 5,026,252) in view of Hoffelner (U.S. Patent 5,688,105 or GB 2 304 158).

Hoffelner '252 discloses a brush seal with a bristle arrangement (2) having a retention section (not shown, but inherent since the bristles are retained in a specific configuration). There are a pair of plates (8, 9), each having a surface which abuts, contacts and flanks the bristle arrangement (Figure 1, for example). There is a channel (Figure 1, for example) to frictionally engage the retention section. The channel extends to ends of the plates. Movement of the retention section is prevented after the plates are secured together and movement would inherently be allowed prior to securing the plates together. While the specifics of the retention section are not shown, as the invention is directed elsewhere, Hoffelner does teach, in the '105 and '158 patents, a retention section configured in the manner claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the retention section of the '105 and '158 patents with the '252 patent in order to securely retain the bristle arrangement.

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Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffelner, as applied above, and further in view of Wolfe et al. (U.S. Patent 6,250,640).

Hoffelner is silent regarding the configuration of the retention section; however, Wolfe et al. teaches using a weld joint to secure the bristles together. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the weld joint of Wolfe et al. in the retention section of Hoffelner in order to securely retain the bristles.

Response to Arguments

Applicant's arguments filed February 27, 2006 have been fully considered but they are not persuasive. Applicant is correct in the statement that the examiner assumes there is a retention section. This assumption is made because, without a retention section, the bristles would not be retained in place. Applicant appears to be arguing that since there is no retention section discussed, the bristles must not be retained in place. The examiner maintains that the apparatus of Hoffelner '252 inherently has a retention section. The examiner has relied upon the other Hoffelner references for a teaching of the retention section. The examiner maintains that it is not beyond ordinary skill to have used the teaching of the same inventor for a retention section in a reference that lacked specifics regarding the retention section, since the invention of the latter reference was directed elsewhere.

The limitations regarding the movement allowed by the channel before securing the plates together is not germane to the apparatus claim, as the manner in which the apparatus was assembled (i.e., movement allowed before, not allowed after) cannot patentably distinguish an apparatus. If applicant wishes for this to receive patentable weight, an application directed

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toward a method of assembling would have to be filed. None the less, because plates are secured together, parts would have been free to move about as desired before assembling was complete.

This is sufficient to meet claim limitations.

Regarding the limitation of "frictionally engage," one skilled in the art would look to Figures 1, 3a and 3b of Hoffelner ('105 and '158) and consider the plates to be touching the retention section. This is all that is necessary to meet the recitation of "frictionally engage."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

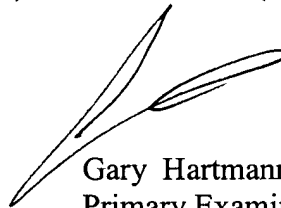
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 571-272-6989. The examiner can normally be reached on Monday through Thursday, 9am-7pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Gary Hartmann', is positioned above the printed name.

Gary Hartmann
Primary Examiner
Art Unit 3671

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